

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter or any new issues are raised by entry of the instant amendment of the claims, and that no new search would be required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 1, 4, 6, 9, 10 and 13-17 will have been amended. Claims 1-4 and 6-17 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 4 and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over KEYES (U.S. Patent No. 3,710,666) in view of BEZAMA (U.S. Patent No. 5,907,985) and LORENZ (U.S. Patent No. 3,580,041);

the Examiner rejected claims 1-3 and 9-12 under 35 U.S.C. § 103(a) as being unpatentable over KEYES in view of BEZAMA; and

the Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-051966 (JP '166) in view of ANDRUSCH (U.S. Patent No. 5,111,723).

Without acquiescing to the propriety of the Examiner's rejections, claims 1, 4, 6, 9, 10

and 13-17 have been amended solely in order to expedite prosecution of the present application.

In this regard, Applicant submits that none of the applied prior art, alone or in any properly reasoned combination, discloses each and every element as recited in amended claims 1, 4, 6, 9, 10 and 13-17 (i.e., even assuming, arguendo, that the applied references have been properly combined).

In particular, claim 1 recites a die body including, inter alia, a die hole configured to punch a work, the die body being configured to be inserted into a die mounting hole; and a core provided within the die body, the core comprising a discharge hole which is in communication with the die hole, wherein....a longitudinally extending outer surface of the core abuts a longitudinally extending inner surface of the die body.

In setting forth the rejection which relies on the JP '966 and ANDRUSCH as a basis, the Examiner asserts, inter alia, that JP '966 discloses a die body 6 and fluid supply holes 9 and 13. However, the Examiner acknowledges that JP '966 does not disclose the presently claimed seal and die body having a core (see page 5, line 4 of the Official Action).

Nevertheless, the Examiner asserts that ANDRUSCH discloses, inter alia, the presently claimed die body 38 having core.

However, Applicant submits that the presently claimed invention is very different structurally from the devices of the JP '966 and ANDRUSCH (alone or in any properly reasoned combination). More specifically, Applicant submits that the element ANDRUSCH, which the Examiner considers to be equivalent to the presently claimed die-body 38 and core, have corresponding longitudinally extending surfaces spaced from each other in order to provide a fluid flow path (see, e.g., Figure 1 of ANDRUSCH).

Thus, Applicant submits that JP '966 and ANDRUSCH, alone or in any properly reasoned combination, do not disclose at least the presently claimed longitudinally extending outer surface of the core abutting a longitudinally extending inner surface of the die body, as generally recited in amended claim 1.

In setting forth the rejections which rely on BEZAMA as part of the basis, the Examiner asserts that BEZAMA teaches the presently claimed die body 38 and core 23.

However, Applicant submits that the presently claimed invention is very different structurally from the device of the BEZAMA (alone or in any properly reasoned combination).

More specifically, Applicant submits that the elements in BEZAMA, which the Examiner considers to be equivalent to the presently claimed die-body and core, have corresponding longitudinally extending surfaces spaced from each other in order to provide a fluid flow path (see, e.g., Figure 1 of BEZAMA).

Thus, Applicant submits that the applied prior art, including BEZAMA (alone or in any properly reasoned combination), does not disclose at least the presently claimed longitudinally extending outer surface of the core abutting a longitudinally extending inner surface of the die body, as generally recited in amended claim 1.

Applicant further submits that independent claims 4, 6, 9, 10 and 13-17, as amended, are generally similar to independent claim 1 in that they generally recite, inter alia, a longitudinally extending outer surface of a core abutting a longitudinally extending inner surface of the die body. Therefore, claims 4, 6, 9, 10 and 13-17 are allowable for at least reasons generally similar to claim 1 as discussed *supra*.

Accordingly, the rejections of claims 1-4 and 6-17 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

In view of the arguments herein, Applicant submits that independent claims 1, 4, 6, 9, 10 and 13-17 are in condition for allowance. With regard to dependent claims 2, 3, 7, 8, 11 and 12, Applicant asserts that they are allowable on their own merit, as well as because they depend from independent claims 1, 6 and 10 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

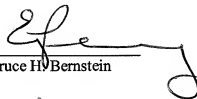
Applicant notes the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Applicant submits that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P26399.A09

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kinshiro NAITO

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

Bruce H. Bernstein

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